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FACT SHEET

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Superior Courts of California Seismic Assessment Program

In November 2003, the Administrative Office of the Courts (AOC) completed a seismic assessment of court buildings in California. The assessment was mandated by the Trial Court Facilities Act of 2002 (Sen. Bill 1732 [Escutia]) (the act), the law that specifies the process for the transfer of ownership and management responsibility for about 451 of California's court buildings from the counties to the state. The draft report was distributed to county administrators and court executives for initial review; many of their comments are reflected in the Superior Courts of California Seismic Assessment Program, *Summary Report of Preliminary Findings* dated January 2004. ***The findings are preliminary since additional information on particular buildings may be forthcoming during the transfer negotiations.*** Ratings for individual buildings will be added to the report periodically once the building owners and the state have concluded the due diligence steps in the real estate transfer process. Following are some frequently asked question about the seismic assessment program.

1. Why was a study of the seismic safety of court buildings done?

Seismic inspections of many court buildings throughout California are required by the act, which was jointly sponsored by the Judicial Council and the California State Association of Counties (CSAC). The act specifies the process for the transfer of ownership and management responsibility for about 451 of California's court buildings from the counties to the state. A provision of the law (Gov. Code, § 70327) states that, before completing negotiations on the transfer of court facilities in a given building, the state must have a licensed structural engineer evaluate the building for seismic conditions that may need correction.

2. Were all court buildings included in the seismic assessment?

Not all buildings were included in the seismic assessment program because the act allows for certain exemptions from assessment. A total of 225 of the 451 court facilities in California were designated as subject to evaluation and assigned a preliminary seismic risk level based on a careful screening process. About 60 of the buildings, especially older facilities, did not have architectural drawings for review. The evaluation of these buildings was therefore performed at a necessarily cursory level, and their preliminary ratings for seismic risk level are pending. Facilities not subject to evaluation under the act, and therefore not evaluated, include leased, abandoned, modular, or storage facilities; smaller buildings with minor occupancy by the court; and buildings constructed under the 1988 or later building code.

3. Who conducted the assessments?

The AOC's Office of Court Construction and Management selected a supervising structural engineering firm to administer the program and direct the efforts of eight consulting structural engineering firms that performed the building assessments. They are:

- Cole, Yee, Schubert & Associates, Sacramento
- Degenkolb Engineers, San Francisco
- Englekirk & Sabol Consulting, Los Angeles
- Forell/Elsesser Engineers, San Francisco
- Integrated Design Services, Tustin
- Middlebrook + Louie, San Francisco
- Nabih Youssef & Associates, Los Angeles
- Simpson, Gumpertz & Heger, San Francisco
- Supervising structural engineering firm: Rutherford & Chekene Consulting Engineers, Oakland

4. When were the assessments done?

The program began in January 2003 with the collection of structural and architectural documents. Initial screenings were completed in May, and detailed assessments were made from June through September 2003. A preliminary draft

report was then distributed to building owners—the counties—in late November 2003 for initial review and comment.

5. What criteria were used in the assessments of the court buildings?

The seismic assessment program employed the services of eight leading structural engineering firms to assess seismic risk levels based on risk-acceptability methods and criteria developed by the California Department of General Services (DGS) for use in evaluating state-owned buildings. These risk-level criteria, originally developed by the California Division of the State Architect (DSA) in 1994, have been used extensively by the state for its own buildings, starting with the seismic evaluation and retrofit program mandated and financed by Proposition 122 following the Loma Prieta earthquake of 1989.

Those risk levels range from Risk Level I (potentially no structural damage and repairable if any damage occurs, with negligible life-safety risk) to Risk Level VII (unstable under existing vertical loads or earthquake, with an imminent threat to occupants and adjacent property). Buildings constructed today under current codes are typically designed to Level III, with Levels I and II reserved for buildings housing critical services such as fire stations, emergency operations centers, and hospitals. The vast majority of existing court buildings were noted as Level IV or V pending further review.

6. What were the results of the seismic assessments?

Using a multi-tier assessment process, 225 buildings (some comprising multiple segments, for a total of 300 structures) were assigned a preliminary risk-level rating by the state. Of the 300 structures in this assessment program, 72 were assigned preliminary ratings of Level IV or better, 147 ratings of Level V or worse, and 81 were assigned to the “pending” category.

During the evaluation process it was determined that for certain structures, less-detailed risk-level assessments had been made than for the balance of the inventory, due to a lack of information or the need for analysis beyond that prescribed in the act. Although all 81 of these structures were initially assigned a preliminary risk level in accordance with procedures consistent with the methods of DGS, the AOC decided to classify these structures as “pending” until the information/analysis is developed during the due diligence and transfer process with individual counties.

7. Does a designation of Risk Level V or higher mean that these buildings are unsafe?

Court facilities are no more or less vulnerable to seismic events than other buildings of similar age and construction type. This assessment program, as well as programs conducted by the federal government, other state agencies, universities, and cities, has found that a majority of older buildings often pose a risk that may be unacceptable in a “design earthquake”—the maximum credible seismic event in an area. This risk level is not surprising given the increasingly sophisticated evaluation techniques and the evolving understanding of building performance in seismic events.

Consultants involved in the assessments caution against drawing conclusions on the performance of the buildings in a seismic event based on the assigned ratings. Buildings assigned a Risk Level IV, for example, could suffer structural and nonstructural damage resulting in the need for repairs or loss of the building’s use. On the other hand, buildings assigned a Risk Level V should not be assumed to be unsafe in every earthquake.

8. What does “shaking intensity” mean?

This term, as used in the building codes for new buildings, is defined as shaking that has a 10 percent chance of being exceeded in a 50-year time period. This can also be defined—similar to terms used with storms or floods—as the shaking resulting from “a 500-year event.” Nationally applicable building codes for the design of new buildings are based on the level of shaking intensity expected at any site once every 500 years (on average).

9. How will this assessment be used in the court facilities transfer process?

Under the provisions of the act, buildings ultimately found to have a seismic Risk Level V or higher may not be eligible for transfer unless provisions are made in the transfer agreements to correct the potential deficiencies. Seismic risk levels for individual court buildings will be one of many due diligence issues in the transfer discussions between the state and the counties. Findings of the court building seismic assessment program will be incorporated into a long-range Judicial Council Capital Improvement Program.

10. What’s next?

The CSAC and individual counties anticipate that it will take an extended period of time for them to evaluate the technical findings contained in the preliminary report. The act provides that, in the event of a dispute between the state and individual counties over the seismic sufficiency of any court facility, the state has the burden of proving deficiency. Accordingly, at this time, CSAC and the counties do not endorse

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any of the findings about seismic safety deficiency contained in the preliminary report and reserve the right to contest such findings based upon their own technical evaluations at any time. The act also provides a procedure for hearing and adjudicating any such disputes between the counties and the state over the seismic safety of buildings.

With the information provided by the assessment, specific procedures can be set in motion to address the identified conditions as well as to evaluate the costs and benefits of seismic upgrades. These and other issues will inform the discussions between the state and the counties about the transfer of court facilities through

June 30, 2007.

The AOC and CSAC encourage all residents of seismically active areas to take reasonable precautions to review earthquake preparation procedures. An excellent resource for identifying and correcting potential hazards is available from the California Seismic Safety Commission at www.seismic.ca.gov and the Governor's Office of Emergency Services at www.oes.ca.gov.

For more information about the Trial Court Facilities Act and the Superior Courts of California Seismic Assessment Program, visit the Reference section of the California Courts Web site at www.courtinfo.ca.gov or contact the Administrative Office of the Courts at pubinfo@jud.ca.gov or 415-865-7740.